

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS\_\_\_\_\_  
CHARLES MARRI,

Plaintiff,

-against-

DIOCESE OF BROOKLYN AND QUEENS,  
ST. JOSEPH PATRON OF THE UNIVERSAL  
CHURCH,Defendant(s).  
\_\_\_\_\_

X

Date Index No. Purchased:

Index No.:

Plaintiff designates Kings  
County as the place of trial.The basis of venue is  
Defendant's domicile.**SUMMONS**Plaintiff resides in Palm Coast,  
Florida

X

The Above Named Defendants:

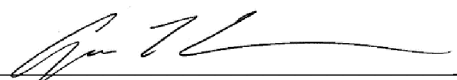
**YOU ARE HEREBY SUMMONED** to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's Attorney(s) within twenty (20) days after the service of this summons, exclusive of the day of service (or within thirty (30) days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: New York, New York  
August 14, 2019

Yours, etc.,

By: Adam P. Slater, Esq.  
SLATER SLATER SCHULMAN LLP  
*Counsel for Plaintiff*  
488 Madison Avenue, 20<sup>th</sup> Floor  
New York, New York 10022  
(212) 922-0906

-and-

  
By: Gary Certain, Esq.  
CERTAIN & ZILBERG, PLLC  
*Counsel for Plaintiff*  
488 Madison Avenue, 20<sup>th</sup> Floor  
New York, New York 10022  
(212) 687-7800

TO:

THE DIOCESE OF BROOKLYN AND QUEENS  
310 Prospect Park West  
Brooklyn, New York 11215

ST. JOSEPH PATRON OF THE UNIVERSAL CHURCH  
185 Suydam Street  
Brooklyn, New York 11221

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS

\_\_\_\_\_X

CHARLES MARRI,

Plaintiff,

-against-

DIOCESE OF BROOKLYN AND QUEENS,  
ST. JOSEPH PATRON OF THE UNIVERSAL  
CHURCH,

Defendant(s).

\_\_\_\_\_X

Date Filed:

Index No.:

**VERIFIED COMPLAINT**

JURY TRIAL DEMANDED

Plaintiff, CHARLES MARRI (“Plaintiff”), by his attorneys Slater Slater Schulman LLP and Certain & Zilberg, PLLC, brings this action against the DIOCESE OF BROOKLYN AND QUEENS and ST. JOSEPH PATRON OF THE UNIVERSAL CHURCH and alleges, on personal knowledge as to himself and on information and belief as to all other matters, as follows:

### **JURISDICTION AND VENUE**

1. This action is brought pursuant to the Children Victims Act (“CVA”) (L. 2019 c. 11). *See* CPLR §§ 30.10; 208(b); 214-g.

2. This Court has personal jurisdiction over Defendant DIOCESE OF BROOKLYN AND QUEENS (“Diocese”) pursuant to CPLR §§ 301 and 302, in that the Diocese either resides in New York or conducts or, at relevant times conducted, activities in New York that give rise to the claims asserted herein.

3. This Court has personal jurisdiction over Defendant ST. JOSEPH PATRON OF THE UNIVERSAL CHURCH (“St. Joseph Patron”) pursuant to CPLR §§ 301 and 302, in that St.

Joseph Patron either resides in New York or conducts or, at relevant times conducted, activities in New York that give rise to the claims asserted herein.

4. This Court has jurisdiction over this action because the amount of damages Plaintiff seeks exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

5. Venue for this action is proper in the County of Kings pursuant to CPLR § 503 in that one or more Defendants resides in this County and a substantial part of the events or omissions giving rise to the claims asserted herein occurred here.

### **PARTIES**

6. Plaintiff is a 70 year old individual residing in Palm Coast, Florida. Plaintiff was 9 years old at the time of the sexual abuse alleged herein.

7. At all times material to the Verified Complaint, Diocese was and continues to be a non-profit religious corporation, organized exclusively for charitable, religious, and educational purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code.

8. At all times material to the Verified Complaint, Diocese was and remains authorized to conduct business under the laws of the State of New York.

9. At all times material to the Verified Complaint, Diocese's principal place of business is 310 Prospect Park West, Brooklyn, New York 11215.

10. The Diocese oversees a variety of liturgical, sacramental, and faith formation programs.

11. The Diocese has various programs that seek out the participation of children in its activities.

12. The Diocese, through its agents, servants, and/or employees has control over those activities involving children.

13. The Diocese has the power to employ individuals working with and/or alongside children within defendant Diocese, including but not limited to those at St. Joseph.

14. At all times material to the Verified Complaint, St. Joseph Patron was and continues to be a religious New York State non-profit entity.

15. At all times material to the Verified Complaint, St. Joseph Patron maintained its principal place of business at 185 Suydam St, Brooklyn, New York 11221.

16. At all times material to the Verified Complaint, St. Joseph Patron is a parish operating under the control of the Diocese.

17. At all times material to the Verified Complaint, St. Joseph Patron is a parish operating for the benefit of the Diocese.

18. At all times material to the Verified Complaint, Father Romano Ferarro (“Father Ferarro”) was an agent, servant, and/or employee of St. Joseph Patron.

19. At all times material to the Verified Complaint, Father Ferraro was an agent, servant, and/or employee of the Diocese.

20. At all times material to the Verified Complaint, while an agent, servant and/or employee of St. Joseph Patron, Father Ferraro remained under the control and supervision of the Diocese.

21. At all times material to the Verified Complaint, while an agent, servant and/or employee of St. Joseph Patron, Father Ferraro remained under the control and supervision of St. Joseph Patron.

22. At all times material to the Verified Complaint, while an agent, servant and/or employee of the Diocese, Father Ferraro remained under the control and supervision of the Diocese.

23. At all times material to the Verified Complaint, while an agent, servant and/or employee of the Diocese, Father Ferraro remained under the control and supervision of St. Joseph Patron.

24. St. Joseph Patron placed Father Ferraro in positions where he had immediate access to children.

25. The Diocese placed Father Ferraro in positions where he had immediate access to children.

26. At all times material to the Verified Complaint, Monsignor Raphael J. Testagrossa (“Monsignor Testagrossa”) was an agent, servant, and/or employee of St. Joseph Patron.

27. At all times material to the Verified Complaint Monsignor Testagrossa was an agent, servant, and/or employee of the Diocese.

28. At all times material to the Verified Complaint, while an agent, servant and/or employee of St. Joseph Patron, Monsignor Testagrossa remained under the control and supervision of the Diocese.

29. At all times material to the Verified Complaint, while an agent, servant and/or employee of St. Joseph Patron, Monsignor Testagrossa remained under the control and supervision of St. Joseph Patron.

30. At all times material to the Verified Complaint, while an agent, servant and/or employee of the Diocese, Monsignor Testagrossa remained under the control and supervision of the Diocese.

31. At all times material to the Verified Complaint, while an agent, servant and/or employee of the Diocese, Monsignor Testagrossa remained under the control and supervision of St. Joseph Patron.

32. St. Joseph Patron placed Monsignor Testagrossa in positions where he had immediate access to children.

33. The Diocese placed Monsignor Testagrossa in positions where he had immediate access to children.

34. At all times material to the Verified Complaint, Reverend Joseph DeSimpliciis (“Reverend DeSimpliciis”) was an agent, servant, and/or employee of St. Joseph Patron.

35. At all times material to the Verified Complaint, Reverend DeSimpliciis was an agent, servant, and/or employee of the Diocese.

36. At all times material to the Verified Complaint, while an agent, servant and/or employee of St. Joseph Patron, Reverend DeSimpliciis remained under the control and supervision of the Diocese.

37. At all times material to the Verified Complaint, while an agent, servant and/or employee of St. Joseph Patron, Reverend Joseph DeSimpliciis remained under the control and supervision of St. Joseph Patron.

38. At all times material to the Verified Complaint, while an agent, servant and/or employee of the Diocese, Reverend DeSimpliciis remained under the control and supervision of the Diocese.

39. At all times material to the Verified Complaint, while an agent, servant and/or employee of the Diocese, Reverend DeSimpliciis remained under the control and supervision of St. Joseph Patron.

40. St. Joseph Patron placed Reverend DeSimpliciis in positions where he had immediate access to children.

41. The Diocese placed Reverend DeSimpliciis in positions where he had immediate access to children.

**THE CATHOLIC CHURCH'S LONG HISTORY  
OF COVERING UP CHILD SEXUAL ABUSE**

42. In 1962, the Vatican in Rome issued a Papal Instruction binding upon all Bishops throughout the world including the Bishop of the Diocese. The instruction was binding upon the Bishop of the Diocese. The instruction directed that allegations and reports of sexual abuse of children by priests were required to be kept secret and not disclosed either to civil authorities such as law enforcement, to co-employees or supervisors of parish priests, or to parishioners generally.

43. Canon law requires Bishops to keep *subsecreto* files also known as confidential files. These files are not to be made public.

44. Because of problems of sexual misconduct of Catholic clergy, the Catholic Church and other organizations sponsored treatment centers for priests that had been involved in sexual misconduct, including centers in Albuquerque, New Mexico, Suitland, Maryland, Downingtown Pennsylvania, and Ontario, Canada.

45. Sexual abuse of clerics by Catholic clergy has been a reality in the Catholic Church for centuries but has remained covered by deep secrecy. This secrecy is rooted in the official policies of the Catholic Church which are applicable to all dioceses and in fact are part of the practices of each diocese, including the Diocese. Sexual abuse of minors by Catholic clergy and religious leaders became publicly known in the mid 1980's as a result of media coverage of a case in Lafayette, Louisiana. Since that time, the media has continued to expose cases of clergy sexual abuse throughout the United States. In spite of these revelations as well as the many criminal and civil litigations the Church has been involved in as a result of clergy sexual abuse of minors, the bishops and other Church leaders continued to pursue a policy of secrecy.

46. All of the procedures required in the so-called “Dallas Charter” to purportedly protect children have been previously mandated in the Code of Canon Law but were consistently ignored by Catholic bishops. In place of the required processes, which would have kept a written record of cases of clergy sexual abuse, the bishops applied a policy of clandestine transfer of accused priests from one local or diocesan assignment to another or from one diocese to another. The receiving parishioners and often the receiving pastors were not informed of any accusations of sexual abuse of minors.

47. The truth concerning the extent of the frequency of sexual abuse at the hands of Catholic priests and Catholic Church’s pervasive campaign to cover up such crimes continues to be revealed. In 2018, the State of Pennsylvania released a grand jury report releasing the name of over 300 “predator priests” in Pennsylvania alone who committed acts of sexual abuse on more than a thousand children, while also noting that there were “likely thousands more victims whose records were lost or who were too afraid to come forward.” The report’s opening remarks bear repeating here:

We, the members of this grand jury, need you to hear this. We know some of you have heard some of it before. There have been other reports about child sex abuse within the Catholic Church. But never on this scale. For many of us, those earlier stories happened someplace else, someplace away. Now we know the truth: it happened everywhere.

...

Most of the victims were boys; but there were girls too. Some were teens; many were prepubescent. Some were manipulated with alcohol or pornography. Some were made to masturbate their assailants or were groped by them. Some were raped orally, some vaginally, some anally. But all of them were brushed aside, in every part of the state, by church leaders who preferred to protect the abusers and their institution above all.

48. The 2018 grand jury report found numerous, pervasive strategies employed by the Catholic Church which the report referred to collectively as a “playbook for concealing the truth.” These measures include but are not limited to the following:

- Make sure to use euphemisms rather than real words to describe the sexual assaults in diocese documents. Never say “rape”; say “inappropriate contact” or “boundary issues.”
- Don’t conduct genuine investigations with properly trained personnel. Instead, assign fellow clergy members to ask inadequate questions and then make credibility determinations about the colleagues with whom they live and work.
- For an appearance of integrity, send priests for “evaluation” at church-run psychiatric treatment centers. Allow these experts to “diagnose” whether the priest was a pedophile, based largely on the priest’s “self-reports” and regardless of whether the priest had actually engaged in sexual contact with a child.
- When a priest does have to be removed, don’t say why. Tell his parishioners that he is on “sick leave,” or suffering from “nervous exhaustion.” Or say nothing at all.
- Even if a priest is raping children, keep providing him housing and living expenses, although he may be using these resources to facilitate more sexual assaults.
- If a predator’s conduct becomes known to the community, don’t remove him from the priesthood to ensure that no more children will be victimized. Instead, transfer him to a new location where no one will know he is a child abuser.
- Finally, and above all, don’t tell the police. Child sexual abuse, even short of actual penetration, is and has for all relevant times been a crime. But don’t treat it that way; handle it like a personnel matter, “in house.”

49. Refusal to disclose sexually abusing clerics to parishioners and even fellow clerics has been one way utilized by Defendant to maintain secrecy. Another has been to use various forms of persuasion on victims or their families to convince them to remain silent about incidents of abuse. These forms of persuasion have included methods that have ranged from sympathetic attempts to gain silence to direct intimidation to various kinds of threats. In so doing the clergy involved, from bishops to priests, have relied on their power to overwhelm victims and their families.

50. The sexual abuse of children and the Catholic Church's abhorrent culture of concealing these crimes are at the heart of the allegations complained of herein.

51. The Child Victims Act was enacted for the explicit purpose of providing survivors of child sexual abuse with the recourse to bring a private right of action against the sexual predators who abused them and the institutions that concealed their crimes.

### **FACTS**

52. Plaintiff was raised in a devout Roman Catholic family and, in or around 1958, when Plaintiff was 9 years old, Plaintiff was attending St. Joseph Patron, a church within and under the auspices of the Diocese.

53. At all relevant times, Plaintiff participated in youth activities and church activities at St. Joseph Patron.

54. During and through these activities, Plaintiff, as a minor and vulnerable child, was dependent on St. Joseph Patron and Father Ferraro.

55. During and through these activities, Plaintiff, as a minor and vulnerable child, was dependent on St. Joseph Patron and Monsignor Testagrossa.

56. During and through these activities, Plaintiff, as a minor and vulnerable child, was dependent on St. Joseph Patron and Reverend DeSimpliciis.

57. During and through these activities St. Joseph Patron had custody of Plaintiff and accepted the entrustment of Plaintiff.

58. During and through these activities, St. Joseph Patron had responsibility of Plaintiff and authority over him.

59. During and through these activities, Plaintiff, as a minor and vulnerable child, was dependent on the Diocese and Father Ferraro. During and through these activities the Diocese had custody of Plaintiff and accepted the entrustment of Plaintiff.

60. During and through these activities, Plaintiff, as a minor and vulnerable child, was dependent on the Diocese and Monsignor Testagrossa. During and through these activities the Diocese had custody of Plaintiff and accepted the entrustment of Plaintiff.

61. During and through these activities, Plaintiff, as a minor and vulnerable child, was dependent on the Diocese and Reverend DeSimpliciis. During and through these activities the Diocese had custody of Plaintiff and accepted the entrustment of Plaintiff.

62. During and through these activities, the Diocese had responsibility of Plaintiff and authority over him.

63. Through his positions at, within, or for St. Joseph Patron, Father Ferraro was put in direct contact with Plaintiff, a member of St. Joseph Patron. It was under these circumstances that Plaintiff came to be under the direction, contact, and control of Father Ferraro, who used his position of authority and trust over Plaintiff to sexually abuse and harass Plaintiff.

64. Through his positions at, within, or for St. Joseph Patron, Monsignor Testagrossa was put in direct contact with Plaintiff, a member of St. Joseph Patron. It was under these circumstances that Plaintiff came to be under the direction, contact, and control of Monsignor Testagrossa, who used his position of authority and trust over Plaintiff to sexually abuse and harass Plaintiff.

65. Through his positions at, within, or for St. Joseph Patron, Reverend DeSimpliciis was put in direct contact with Plaintiff, a member of St. Joseph Patron. It was under these circumstances that Plaintiff came to be under the direction, contact, and control of Reverend

DeSimpliciis, who used his position of authority and trust over Plaintiff to sexually abuse and harass Plaintiff.

66. Through his positions at, within, or for the Diocese, Father Ferraro was put in direct contact with Plaintiff, a member of St. Joseph Patron. It was under these circumstances that Plaintiff came to be under the direction, contact, and control of Father Ferraro, who used his position of authority and trust over Plaintiff to sexually abuse and harass Plaintiff.

67. Through his positions at, within, or for the Diocese, Monsignor Testagrossa was put in direct contact with Plaintiff, a member of St. Joseph Patron. It was under these circumstances that Plaintiff came to be under the direction, contact, and control of Monsignor Testagrossa, who used his position of authority and trust over Plaintiff to sexually abuse and harass Plaintiff.

68. Through his positions at, within, or for the Diocese, Reverend DeSimpliciis was put in direct contact with Plaintiff, a member of St. Joseph Patron. It was under these circumstances that Plaintiff came to be under the direction, contact, and control of JOSEPH DESIMPLICIIS, who used his position of authority and trust over Plaintiff to sexually abuse and harass Plaintiff.

69. On numerous occasions, while Plaintiff was a minor, Father Ferraro while acting as a priest, counselor, teacher, trustee, director, officer, employee, agent, servant and/or volunteer of St. Joseph Patron sexually assaulted, sexually abused and/or had sexual contact with Plaintiff in violation of the laws of the State of New York.

70. On numerous occasions, while Plaintiff was a minor, Monsignor Testagrossa while acting as a priest, counselor, teacher, trustee, director, officer, employee, agent, servant and/or

volunteer of St. Joseph Patron sexually assaulted, sexually abused and/or had sexual contact with Plaintiff in violation of the laws of the State of New York.

71. On numerous occasions, while Plaintiff was a minor, Reverend DeSimpliciis while acting as a priest, counselor, teacher, trustee, director, officer, employee, agent, servant and/or volunteer of St. Joseph Patron sexually assaulted, sexually abused and/or had sexual contact with Plaintiff in violation of the laws of the State of New York.

72. On numerous occasions, while Plaintiff was a minor, Father Ferraro while acting as a priest, counselor, teacher, trustee, director, officer, employee, agent, servant and/or volunteer of the Diocese sexually assaulted, sexually abused and/or had sexual contact with Plaintiff in violation of the laws of the State of New York.

73. On numerous occasions, while Plaintiff was a minor, Monsignor Testagrossa while acting as a priest, counselor, teacher, trustee, director, officer, employee, agent, servant and/or volunteer of the Diocese sexually assaulted, sexually abused and/or had sexual contact with Plaintiff in violation of the laws of the State of New York.

74. On numerous occasions, while Plaintiff was a minor, Reverend DeSimpliciis while acting as a priest, counselor, teacher, trustee, director, officer, employee, agent, servant and/or volunteer of the Diocese sexually assaulted, sexually abused and/or had sexual contact with Plaintiff in violation of the laws of the State of New York.

75. The abuse occurred from approximately in or about 1958 to 1962.

76. Plaintiff's relationship to St. Joseph Patron, as a vulnerable minor, parishioner and participant in Church activities, was one in which Plaintiff was subject to St. Joseph Patron's ongoing influence. The dominating culture of the Catholic Church over Plaintiff pressured Plaintiff not to report Father Ferraro's sexual abuse of him.

77. Plaintiff's relationship to St. Joseph Patron, as a vulnerable minor, parishioner and participant in Church activities, was one in which Plaintiff was subject to St. Joseph Patron's ongoing influence. The dominating culture of the Catholic Church over Plaintiff pressured Plaintiff not to report Monsignor Testagrossa's sexual abuse of him.

78. Plaintiff's relationship to St. Joseph Patron, as a vulnerable minor, parishioner and participant in Church activities, was one in which Plaintiff was subject to St. Joseph Patron's ongoing influence. The dominating culture of the Catholic Church over Plaintiff pressured Plaintiff not to report REVEREND JOSEPH DESIMPLICIIS' sexual abuse of him.

79. Plaintiff's relationship to the Diocese, as a vulnerable minor, parishioner and participant in Church activities, was one in which Plaintiff was subject to the Diocese's ongoing influence. The dominating culture of the Catholic Church over Plaintiff pressured Plaintiff not to report Father Ferraro's sexual abuse of him.

80. Plaintiff's relationship to the Diocese, as a vulnerable minor, parishioner and participant in Church activities, was one in which Plaintiff was subject to the Diocese's ongoing influence. The dominating culture of the Catholic Church over Plaintiff pressured Plaintiff not to report Monsignor Testagrossa's sexual abuse of him.

81. Plaintiff's relationship to the Diocese, as a vulnerable minor, parishioner and participant in Church activities, was one in which Plaintiff was subject to the Diocese's ongoing influence. The dominating culture of the Catholic Church over Plaintiff pressured Plaintiff not to report Father Ferraro's sexual abuse of him.

82. Plaintiff's relationship to the Diocese, as a vulnerable minor, parishioner and participant in Church activities, was one in which Plaintiff was subject to the Diocese's ongoing

influence. The dominating culture of the Catholic Church over Plaintiff pressured Plaintiff not to report Monsignor Testagrossa's sexual abuse of him.

83. Plaintiff's relationship to the Diocese, as a vulnerable minor, parishioner and participant in Church activities, was one in which Plaintiff was subject to the Diocese's ongoing influence. The dominating culture of the Catholic Church over Plaintiff pressured Plaintiff not to report Reverend DeSimpliciis' sexual abuse of him.

84. At no time did the Diocese ever send an official, a member of the clergy, an investigator or any employee or independent contractor to St. Joseph Patron to advise the parishioners either verbally or through a church bulletin that there were credible allegations against Father Ferraro and to request that anyone who saw, suspected or suffered sexual abuse to come forward and file a report with the police department. Rather, the Diocese remained silent.

85. At no time did the Diocese ever send an official, a member of the clergy, an investigator or any employee or independent contractor to St. Joseph Patron to advise the parishioners either verbally or through a church bulletin that there were credible allegations against Monsignor Testagrossa and to request that anyone who saw, suspected or suffered sexual abuse to come forward and file a report with the police department. Rather, the Diocese remained silent.

86. At no time did the Diocese ever send an official, a member of the clergy, an investigator or any employee or independent contractor to St. Joseph Patron to advise the parishioners either verbally or through a church bulletin that there were credible allegations against Reverend DeSimpliciis and to request that anyone who saw, suspected or suffered sexual abuse to come forward and file a report with the police department. Rather, the Diocese remained silent.

87. At all times material hereto, Father Ferraro, was under the direct supervision, employ and/or control of St. Joseph Patron.

88. At all times material hereto, Monsignor Testagrossa, was under the direct supervision, employ and/or control of St. Joseph Patron.

89. At all times material hereto, Reverend DeSimpliciis, was under the direct supervision, employ and/or control of St. Joseph Patron.

90. At all times material hereto, Father Ferraro, was under the direct supervision, employ and/or control of the Diocese.

91. At all times material hereto, Monsignor Testagrossa, was under the direct supervision, employ and/or control of the Diocese.

92. At all times material hereto, Reverend DeSimpliciis, was under the direct supervision, employ and/or control of the Diocese.

93. St. Joseph Patron knew and/or reasonably should have known, and/or knowingly condoned, and/or covered up, the inappropriate and unlawful sexual activities of Father Ferraro who sexually abused Plaintiff.

94. St. Joseph Patron knew and/or reasonably should have known, and/or knowingly condoned, and/or covered up, the inappropriate and unlawful sexual activities of Monsignor Testagrossa who sexually abused Plaintiff.

95. St. Joseph Patron knew and/or reasonably should have known, and/or knowingly condoned, and/or covered up, the inappropriate and unlawful sexual activities of Reverend DeSimpliciis who sexually abused Plaintiff.

96. The Diocese knew and/or reasonably should have known, and/or knowingly condoned, and/or covered up, the inappropriate and unlawful sexual activities of Father Ferraro who sexually abused Plaintiff.

97. The Diocese knew and/or reasonably should have known, and/or knowingly condoned, and/or covered up, the inappropriate and unlawful sexual activities of Monsignor Testagrossa who sexually abused Plaintiff.

98. The Diocese knew and/or reasonably should have known, and/or knowingly condoned, and/or covered up, the inappropriate and unlawful sexual activities of Reverend DeSimpliciis who sexually abused Plaintiff.

99. St. Joseph Patron negligently or recklessly believed that Father Ferraro was fit to work with children and/or that any previous problems he had were fixed and cured; that Father Ferraro would not sexually molest children; and that Father Ferraro would not injure children.

100. St. Joseph Patron negligently or recklessly believed that Monsignor Testagrossa was fit to work with children and/or that any previous problems he had were fixed and cured; that Monsignor Testagrossa would not sexually molest children; and that Monsignor Testagrossa would not injure children.

101. St. Joseph Patron negligently or recklessly believed that Reverend DeSimpliciis was fit to work with children and/or that any previous problems he had were fixed and cured; that Reverend DeSimpliciis would not sexually molest children; and that Reverend DeSimpliciis would not injure children.

102. The Diocese negligently or recklessly believed that Father Ferraro was fit to work with children and/or that any previous problems he had were fixed and cured; that Father Ferraro would not sexually molest children; and that Father Ferraro would not injure children.

103. The Diocese negligently or recklessly believed that Monsignor Testagrossa was fit to work with children and/or that any previous problems he had were fixed and cured; that

Monsignor Testagrossa would not sexually molest children; and that Monsignor Testagrossa would not injure children.

104. The Diocese negligently or recklessly believed that Reverend DeSimpliciis was fit to work with children and/or that any previous problems he had were fixed and cured; that Reverend DeSimpliciis would not sexually molest children; and that Reverend DeSimpliciis would not injure children.

105. St. Joseph Patron had the responsibility to supervise and/or direct priests serving at St. Joseph Patron, and specifically, had a duty not to aid a pedophile such as Father Ferraro, by assigning, maintaining and/or appointing him to a position with access to minors.

106. St. Joseph Patron had the responsibility to supervise and/or direct priests serving at St. Joseph Patron, and specifically, had a duty not to aid a pedophile such as Monsignor Testagrossa, by assigning, maintaining and/or appointing him to a position with access to minors.

107. St. Joseph Patron had the responsibility to supervise and/or direct priests serving at St. Joseph Patron, and specifically, had a duty not to aid a pedophile such as Reverend DeSimpliciis, by assigning, maintaining and/or appointing him to a position with access to minors.

108. The Diocese had the responsibility to supervise and/or direct priests serving at St. Joseph Patron, and specifically, had a duty not to aid a pedophile such as Father Ferraro, by assigning, maintaining and/or appointing him to a position with access to minors.

109. The Diocese had the responsibility to supervise and/or direct priests serving at St. Joseph Patron, and specifically, had a duty not to aid a pedophile such as Monsignor Testagrossa, by assigning, maintaining and/or appointing him to a position with access to minors.

110. The Diocese had the responsibility to supervise and/or direct priests serving at St. Joseph Patron, and specifically, had a duty not to aid a pedophile such as Reverend DeSimpliciis, by assigning, maintaining and/or appointing him to a position with access to minors.

111. By holding Father Ferraro out as safe to work with children, and by undertaking the custody, supervision of, and/or care of the minor Plaintiff, St. Joseph Patron entered into a fiduciary relationship with the minor Plaintiff. As a result of Plaintiff's being a minor, and by St. Joseph Patron undertaking the care and guidance of the vulnerable minor Plaintiff, St. Joseph Patron held a position of empowerment over Plaintiff.

112. By holding Monsignor Testagrossa out as safe to work with children, and by undertaking the custody, supervision of, and/or care of the minor Plaintiff, St. Joseph Patron entered into a fiduciary relationship with the minor Plaintiff. As a result of Plaintiff's being a minor, and by St. Joseph Patron undertaking the care and guidance of the vulnerable minor Plaintiff, St. Joseph Patron held a position of empowerment over Plaintiff.

113. By holding Reverend DeSimpliciis out as safe to work with children, and by undertaking the custody, supervision of, and/or care of the minor Plaintiff, St. Joseph Patron entered into a fiduciary relationship with the minor Plaintiff. As a result of Plaintiff's being a minor, and by St. Joseph Patron undertaking the care and guidance of the vulnerable minor Plaintiff, St. Joseph Patron held a position of empowerment over Plaintiff.

114. By holding Father Ferraro out as safe to work with children, and by undertaking the custody, supervision of, and/or care of the minor Plaintiff, the Diocese entered into a fiduciary relationship with the minor Plaintiff. As a result of Plaintiff's being a minor, and by the Diocese undertaking the care and guidance of the vulnerable minor Plaintiff, the Diocese held a position of empowerment over Plaintiff.

115. By holding Monsignor Testagrossa out as safe to work with children, and by undertaking the custody, supervision of, and/or care of the minor Plaintiff, the Diocese entered into a fiduciary relationship with the minor Plaintiff. As a result of Plaintiff's being a minor, and by the Diocese undertaking the care and guidance of the vulnerable minor Plaintiff, the Diocese held a position of empowerment over Plaintiff.

116. By holding Reverend DeSimpliciis out as safe to work with children, and by undertaking the custody, supervision of, and/or care of the minor Plaintiff, the Diocese entered into a fiduciary relationship with the minor Plaintiff. As a result of Plaintiff's being a minor, and by the Diocese undertaking the care and guidance of the vulnerable minor Plaintiff, the Diocese held a position of empowerment over Plaintiff.

117. St. Joseph Patron, by holding itself out as being able to provide a safe environment for children, solicited and/or accepted this position of empowerment. This empowerment prevented the then minor Plaintiff from effectively protecting himself. St. Joseph Patron thus entered into a fiduciary relationship with Plaintiff.

118. The Diocese, by holding itself out as being able to provide a safe environment for children, solicited and/or accepted this position of empowerment. This empowerment prevented the then minor Plaintiff from effectively protecting himself. The Diocese thus entered into a fiduciary relationship with Plaintiff.

119. St. Joseph Patron had a special relationship with Plaintiff.

120. The Diocese had a special relationship with Plaintiff.

121. St. Joseph Patron owed Plaintiff a duty of reasonable care because St. Joseph Patron had superior knowledge about the risk that Father Ferraro posed to Plaintiff, the risk of abuse in general in their programs, and/or the risks that their facilities posed to minor children.

122. St. Joseph Patron owed Plaintiff a duty of reasonable care because St. Joseph Patron had superior knowledge about the risk that Monsignor Testagrossa posed to Plaintiff, the risk of abuse in general in their programs, and/or the risks that their facilities posed to minor children.

123. St. Joseph Patron owed Plaintiff a duty of reasonable care because St. Joseph Patron had superior knowledge about the risk that Reverend DeSimpliciis posed to Plaintiff, the risk of abuse in general in their programs, and/or the risks that their facilities posed to minor children.

124. The Diocese owed Plaintiff a duty of reasonable care because the Diocese had superior knowledge about the risk that Father Ferraro posed to Plaintiff, the risk of abuse in general in their programs, and/or the risks that their facilities posed to minor children.

125. The Diocese owed Plaintiff a duty of reasonable care because the Diocese had superior knowledge about the risk that Monsignor Testagrossa posed to Plaintiff, the risk of abuse in general in their programs, and/or the risks that their facilities posed to minor children.

126. The Diocese owed Plaintiff a duty of reasonable care because the Diocese had superior knowledge about the risk that Reverend DeSimpliciis posed to Plaintiff, the risk of abuse in general in their programs, and/or the risks that their facilities posed to minor children.

127. St. Joseph Patron owed Plaintiff a duty of reasonable care because it solicited youth and parents for participation in its youth programs; encouraged youth and parents to have the youth participate in its programs; undertook custody of minor children, including Plaintiff; promoted its facilities and programs as being safe for children; held its agents including Father Ferraro out as safe to work with children; encouraged parents and children to spend time with its agents; and/or encouraged its agents, including Father Ferraro, to spend time with, interact with, and recruit children.

128. St. Joseph Patron owed Plaintiff a duty of reasonable care because it solicited youth and parents for participation in its youth programs; encouraged youth and parents to have the youth participate in its programs; undertook custody of minor children, including Plaintiff; promoted its facilities and programs as being safe for children; held its agents including Monsignor Testagrossa out as safe to work with children; encouraged parents and children to spend time with its agents; and/or encouraged its agents, including Monsignor Testagrossa, to spend time with, interact with, and recruit children.

129. St. Joseph Patron owed Plaintiff a duty of reasonable care because it solicited youth and parents for participation in its youth programs; encouraged youth and parents to have the youth participate in its programs; undertook custody of minor children, including Plaintiff; promoted its facilities and programs as being safe for children; held its agents including Reverend DeSimpliciis out as safe to work with children; encouraged parents and children to spend time with its agents; and/or encouraged its agents, including Reverend DeSimpliciis, to spend time with, interact with, and recruit children.

130. The Diocese owed Plaintiff a duty of reasonable care because it solicited youth and parents for participation in its youth programs; encouraged youth and parents to have the youth participate in its programs; undertook custody of minor children, including Plaintiff; promoted its facilities and programs as being safe for children; held its agents including Father Ferraro out as safe to work with children; encouraged parents and children to spend time with its agents; and/or encouraged its agents, including Father Ferraro, to spend time with, interact with, and recruit children.

131. The Diocese owed Plaintiff a duty of reasonable care because it solicited youth and parents for participation in its youth programs; encouraged youth and parents to have the youth

participate in its programs; undertook custody of minor children, including Plaintiff; promoted its facilities and programs as being safe for children; held its agents including Monsignor Testagrossa out as safe to work with children; encouraged parents and children to spend time with its agents; and/or encouraged its agents, including Monsignor Testagrossa, to spend time with, interact with, and recruit children.

132. The Diocese owed Plaintiff a duty of reasonable care because it solicited youth and parents for participation in its youth programs; encouraged youth and parents to have the youth participate in its programs; undertook custody of minor children, including Plaintiff; promoted its facilities and programs as being safe for children; held its agents including Reverend DeSimpliciis out as safe to work with children; encouraged parents and children to spend time with its agents; and/or encouraged its agents, including Reverend DeSimpliciis, to spend time with, interact with, and recruit children.

133. St. Joseph Patron owed Plaintiff a duty to protect Plaintiff from harm because St. Joseph Patron's actions created a foreseeable risk of harm to Plaintiff.

134. The Diocese owed Plaintiff a duty to protect Plaintiff from harm because the Diocese's actions created a foreseeable risk of harm to Plaintiff.

135. St. Joseph Patron's breach of its duties include, but are not limited to: failure to have sufficient policies and procedures to prevent child sexual abuse, failure to properly implement the policies and procedures to prevent child sexual abuse, failure to take reasonable measures to make sure that the policies and procedures to prevent child sexual abuse were working, failure to adequately inform families and children of the risks of child sexual abuse, failure to investigate risks of child sexual abuse, failure to properly train the workers at institutions and programs within St. Joseph Patron, geographical confines, failure to protect children in their programs from child

sexual abuse, failure to adhere to the applicable standard of care for child safety, failure to investigate the amount and type of information necessary to represent the institutions, programs, leaders and people as safe, failure to train their employees properly to identify signs of child molestation by fellow employees, failure by relying on mental health professionals, and/or failure by relying on people who claimed that they could treat child molesters.

136. The Diocese's breach of its duties include, but are not limited to: failure to have sufficient policies and procedures to prevent child sexual abuse, failure to properly implement the policies and procedures to prevent child sexual abuse, failure to take reasonable measures to make sure that the policies and procedures to prevent child sexual abuse were working, failure to adequately inform families and children of the risks of child sexual abuse, failure to investigate risks of child sexual abuse, failure to properly train the workers at institutions and programs within the Diocese, geographical confines, failure to protect children in their programs from child sexual abuse, failure to adhere to the applicable standard of care for child safety, failure to investigate the amount and type of information necessary to represent the institutions, programs, leaders and people as safe, failure to train their employees properly to identify signs of child molestation by fellow employees, failure by relying on mental health professionals, and/or failure by relying on people who claimed that they could treat child molesters.

137. St. Joseph Patron also breached their duties to Plaintiff by failing to warn Plaintiff and Plaintiff's family of the risk that Father Ferraro posed and the risks of child sexual abuse by clerics. St. Joseph Patron also failed to warn Plaintiff about any of the knowledge that it had about child sexual abuse.

138. St. Joseph Patron also breached their duties to Plaintiff by failing to warn Plaintiff and Plaintiff's family of the risk that Monsignor Testagrossa posed and the risks of child sexual

abuse by clerics. St. Joseph Patron also failed to warn Plaintiff about any of the knowledge that it had about child sexual abuse.

139. St. Joseph Patron also breached their duties to Plaintiff by failing to warn Plaintiff and Plaintiff's family of the risk that Reverend DeSimpliciis posed and the risks of child sexual abuse by clerics. St. Joseph Patron also failed to warn Plaintiff about any of the knowledge that it had about child sexual abuse.

140. The Diocese also breached their duties to Plaintiff by failing to warn Plaintiff and Plaintiff's family of the risk that Father Ferraro posed and the risks of child sexual abuse by clerics. The Diocese also failed to warn Plaintiff about any of the knowledge that it had about child sexual abuse.

141. The Diocese also breached their duties to Plaintiff by failing to warn Plaintiff and Plaintiff's family of the risk that Monsignor Testagrossa posed and the risks of child sexual abuse by clerics. The Diocese also failed to warn Plaintiff about any of the knowledge that it had about child sexual abuse.

142. The Diocese also breached their duties to Plaintiff by failing to warn Plaintiff and Plaintiff's family of the risk that Reverend DeSimpliciis posed and the risks of child sexual abuse by clerics. The Diocese also failed to warn Plaintiff about any of the knowledge that it had about child sexual abuse.

143. St. Joseph Patron also violated a legal duty by failing to report known and/or suspected abuse of children by Father Ferraro and/or their other agents to the police and law enforcement.

144. St. Joseph Patron also violated a legal duty by failing to report known and/or suspected abuse of children by Monsignor Testagrossa and/or their other agents to the police and law enforcement.

145. St. Joseph Patron also violated a legal duty by failing to report known and/or suspected abuse of children by Reverend DeSimpliciis and/or their other agents to the police and law enforcement.

146. The Diocese also violated a legal duty by failing to report known and/or suspected abuse of children by Father Ferraro and/or their other agents to the police and law enforcement.

147. The Diocese also violated a legal duty by failing to report known and/or suspected abuse of children by Monsignor Testagrossa and/or their other agents to the police and law enforcement.

148. The Diocese also violated a legal duty by failing to report known and/or suspected abuse of children by Reverend DeSimpliciis and/or their other agents to the police and law enforcement.

149. By employing Father Ferraro at St. Joseph Patron, and other facilities within the Diocese, the Diocese, through its agents, affirmatively represented to minor children and their families that Father Ferraro did not pose a threat to children, did not have a history of molesting children, that the Diocese did not know that Father Ferraro had a history of molesting children, and that the Diocese did not know that Father Ferraro was a danger to children.

150. By employing Monsignor Testagrossa at St. Joseph Patron, and other facilities within the Diocese, the Diocese, through its agents, affirmatively represented to minor children and their families that Monsignor Testagrossa did not pose a threat to children, did not have a history of molesting children, that the Diocese did not know that Monsignor Testagrossa had a

history of molesting children, and that the Diocese did not know that Monsignor Testagrossa was a danger to children.

151. By employing Reverend DeSimpliciis at St. Joseph Patron, and other facilities within the Diocese, the Diocese, through its agents, affirmatively represented to minor children and their families that Reverend DeSimpliciis did not pose a threat to children, did not have a history of molesting children, that the Diocese did not know that Reverend DeSimpliciis had a history of molesting children, and that the Diocese did not know that Reverend DeSimpliciis was a danger to children.

152. By employing Father Ferraro at St. Joseph Patron, St. Joseph Patron through its agents, affirmatively represented to minor children and their families that Father Ferraro did not pose a threat to children, did not have a history of molesting children, that St. Joseph Patron did not know that Father Ferraro had a history of molesting children, and that St. Joseph Patron did not know that Father Ferraro was a danger to children.

153. By employing Monsignor Testagrossa at St. Joseph Patron, St. Joseph Patron through its agents, affirmatively represented to minor children and their families that Monsignor Testagrossa did not pose a threat to children, did not have a history of molesting children, that St. Joseph Patron did not know that Monsignor Testagrossa had a history of molesting children, and that St. Joseph Patron did not know that Monsignor Testagrossa was a danger to children.

154. By employing Reverend DeSimpliciis at St. Joseph Patron, St. Joseph Patron through its agents, affirmatively represented to minor children and their families that Reverend DeSimpliciis did not pose a threat to children, did not have a history of molesting children, that St. Joseph Patron did not know that Reverend DeSimpliciis had a history of molesting children, and that St. Joseph Patron did not know that Reverend DeSimpliciis was a danger to children.

155. The Church induced Plaintiff and Plaintiff's family to rely on these affirmations and did rely on them.

156. The Diocese has never publicly admitted the veracity of the allegations against Father Ferraro, warned the public and/or conducted outreach to potential victims of his sexual abuse. The pattern and practice of intentionally failing to disclose the identities and locations of sexually inappropriate and/or abusive clerics has been practiced by the Diocese for decades and continues through current day. The failure to disclose the identities of allegedly sexually inappropriate and/or abusive clerics is unreasonable and knowingly or recklessly creates or maintains a condition which endangers the safety or health of a considerable number of members of the public, including Plaintiff.

157. The Diocese has never publicly admitted the veracity of the allegations against FATHER Monsignor Testagrossa, warned the public and/or conducted outreach to potential victims of his sexual abuse. The pattern and practice of intentionally failing to disclose the identities and locations of sexually inappropriate and/or abusive clerics has been practiced by the Diocese for decades and continues through current day. The failure to disclose the identities of allegedly sexually inappropriate and/or abusive clerics is unreasonable and knowingly or recklessly creates or maintains a condition which endangers the safety or health of a considerable number of members of the public, including Plaintiff.

158. The Diocese has never publicly admitted the veracity of the allegations against Reverend DeSimpliciis, warned the public and/or conducted outreach to potential victims of his sexual abuse. The pattern and practice of intentionally failing to disclose the identities and locations of sexually inappropriate and/or abusive clerics has been practiced by the Diocese for decades and continues through current day. The failure to disclose the identities of allegedly

sexually inappropriate and/or abusive clerics is unreasonable and knowingly or recklessly creates or maintains a condition which endangers the safety or health of a considerable number of members of the public, including Plaintiff.

159. By allowing Father Ferraro to remain in active ministry, the Diocese, through its agents, has made and continues to make affirmative representations to minor children and their families, including Plaintiff and Plaintiff's family, that Father Ferraro does not pose a threat to children, does not have a history of molesting children, that the Diocese does not know that Father Ferraro has a history of molesting children and that the Diocese does not know that Father Ferraro is a danger to children.

160. By allowing Monsignor Testagrossa to remain in active ministry, the Diocese, through its agents, has made and continues to make affirmative representations to minor children and their families, including Plaintiff and Plaintiff's family, that Monsignor Testagrossa does not pose a threat to children, does not have a history of molesting children, that the Diocese does not know that Monsignor Testagrossa has a history of molesting children and that the Diocese does not know that Monsignor Testagrossa is a danger to children.

161. By allowing Reverend DeSimpliciis to remain in active ministry, the Diocese, through its agents, has made and continues to make affirmative representations to minor children and their families, including Plaintiff and Plaintiff's family, that Reverend DeSimpliciis does not pose a threat to children, does not have a history of molesting children, that the Diocese does not know that Reverend DeSimpliciis has a history of molesting children and that the Diocese does not know that Reverend DeSimpliciis is a danger to children.

162. The Diocese induced Plaintiff and Plaintiff's family to rely on these affirmations and they did rely on them.

163. By allowing Father Ferraro to remain in active ministry, St. Joseph Patron, through its agents, has made and continues to make affirmative representations to minor children and their families, including Plaintiff and Plaintiff s family, that Father Ferraro does not pose a threat to children, does not have a history of molesting children, that St. Joseph Patron does not know that Father Ferraro has a history of molesting children and that St. Joseph Patron does not know that Father Ferraro is a danger to children.

164. By allowing Monsignor Testagrossa to remain in active ministry, St. Joseph Patron, through its agents, has made and continues to make affirmative representations to minor children and their families, including Plaintiff and Plaintiff s family, that Monsignor Testagrossa does not pose a threat to children, does not have a history of molesting children, that St. Joseph Patron does not know that Monsignor Testagrossa has a history of molesting children and that St. Joseph Patron does not know that Monsignor Testagrossais a danger to children.

165. By allowing Reverend DeSimpliciis to remain in active ministry, St. Joseph Patron, through its agents, has made and continues to make affirmative representations to minor children and their families, including Plaintiff and Plaintiff s family, that Reverend DeSimpliciis does not pose a threat to children, does not have a history of molesting children, that St. Joseph Patron does not know that Reverend DeSimpliciis has a history of molesting children and that St. Joseph Patron does not know that Reverend DeSimpliciis is a danger to children.

166. As a result of Defendants' conduct described herein, Plaintiff has and will continue to suffer personal physical and psychological injuries, including but not limited to great pain of mind and body, severe and permanent emotional distress, physical manifestations of emotional distress, problems sleeping, concentrating, low self-confidence, low self-respect, low self-esteem, feeling of worthlessness, feeling shameful, and embarrassed, feeling alone and isolated, losing

faith in God, losing faith in authority figures, feeling estranged from the church, struggling with alcohol and substance problems, struggling with gainful employment and career advancement, feeling helpless, and hopeless, problems with sexual intimacy, relationship problems, trust issues, feeling confused and angry, depression, anxiety, feeling dirty, used, and damaged, suicidal ideations, having traumatic flashbacks, feeling that his/her childhood and innocence was stolen, and feeling that his life was ruined. Plaintiff was prevented and will continue to be prevented from performing Plaintiff's normal daily activities; has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling; and, on information and belief, has incurred and will continue to incur loss of income and/or loss of earning capacity. As a victim of Defendants' misconduct, Plaintiff is unable at this time to fully describe all the details of that abuse and the extent of the harm Plaintiff suffered as a result.

167. St. Joseph Patron violated various New York statutes, including, but not limited to N.Y. Soc. Serv. Law §§ 413 and 420, which require, *inter alia*, school officials, teachers, day care center workers, providers of family or group family day care, and any other child care worker to report suspected cases of child abuse and impose liability for failure to report.

168. The Diocese violated various New York statutes, including, but not limited to N.Y. Soc. Serv. Law §§ 413 and 420, which require, *inter alia*, school officials, teachers, day care center workers, providers of family or group family day care, and any other child care worker to report suspected cases of child abuse and impose liability for failure to report.

169. The injuries and damages suffered by Plaintiff are specific in kind to Plaintiff special, peculiar, and above and beyond those injuries and damages suffered by the public.

**FIRST CAUSE OF ACTION: NEGLIGENCE**

170. Plaintiff repeats and realleges by reference each and every allegation set forth above as if fully set forth herein.

171. St. Joseph Patron knew or was negligent in not knowing that Father Ferraro posed a threat of sexual abuse to children.

172. St. Joseph Patron knew or was negligent in not knowing that Monsignor Testagrossa posed a threat of sexual abuse to children.

173. St. Joseph Patron knew or was negligent in not knowing that Reverend DeSimpliciis posed a threat of sexual abuse to children.

174. The Diocese knew or was negligent in not knowing that Father Ferraro posed a threat of sexual abuse to children.

175. The Diocese knew or was negligent in not knowing that Monsignor Testagrossa posed a threat of sexual abuse to children.

176. The Diocese knew or was negligent in not knowing that Reverend DeSimpliciis posed a threat of sexual abuse to children.

177. The acts of Father Ferraro described hereinabove were undertaken, and/or enabled by, and/or during the course, and/or within the scope of his employment, appointment, and/or agency with St. Joseph Patron.

178. The acts of Monsignor Testagrossa described hereinabove were undertaken, and/or enabled by, and/or during the course, and/or within the scope of his employment, appointment, and/or agency with St. Joseph Patron.

179. The acts of Reverend DeSimpliciis described hereinabove were undertaken, and/or enabled by, and/or during the course, and/or within the scope of his employment, appointment, and/or agency with St. Joseph Patron.

180. The acts of Father Ferraro described hereinabove were undertaken, and/or enabled by, and/or during the course, and/or within the scope of his employment, appointment, and/or agency with the Diocese.

181. The acts of Monsignor Testagrossa described hereinabove were undertaken, and/or enabled by, and/or during the course, and/or within the scope of his employment, appointment, and/or agency with the Diocese.

182. The acts of Reverend DeSimpliciis described hereinabove were undertaken, and/or enabled by, and/or during the course, and/or within the scope of his employment, appointment, and/or agency with the Diocese.

183. St. Joseph Patron owed Plaintiff a duty to protect Plaintiff from Father Ferraro's sexual deviancy, both prior to and/or subsequent to Father Ferraro's misconduct.

184. St. Joseph Patron owed Plaintiff a duty to protect Plaintiff from Monsignor Testagrossa's sexual deviancy, both prior to and/or subsequent to Monsignor Testagrossa's misconduct.

185. St. Joseph Patron owed Plaintiff a duty to protect Plaintiff from Reverend DeSimpliciis' sexual deviancy, both prior to and/or subsequent to Reverend DeSimpliciis' misconduct.

186. The Diocese owed Plaintiff a duty to protect Plaintiff from Father Ferraro's sexual deviancy, both prior to and/or subsequent to Father Ferraro's misconduct.

187. The Diocese owed Plaintiff a duty to protect Plaintiff from Monsignor Testagrossa's sexual deviancy, both prior to and/or subsequent to Monsignor Testagrossa's misconduct.

188. The Diocese owed Plaintiff a duty to protect Plaintiff from Reverend DeSimpliciis' sexual deviancy, both prior to and/or subsequent to Reverend DeSimpliciis' misconduct.

189. St. Joseph Patron 's willful, wanton, grossly negligent and/or negligent act(s) of commission and/or omission, resulted directly and/or proximately in the damages set forth herein at length.

190. The Diocese's willful, wanton, grossly negligent and/or negligent act(s) of commission and/or omission, resulted directly and/or proximately in the damages set forth herein at length.

191. At all times material hereto, with regard to the allegations contained herein, Father Ferraro was under the direct supervision, employ and/or control of St. Joseph Patron.

192. At all times material hereto, with regard to the allegations contained herein, Monsignor Testagrossa was under the direct supervision, employ and/or control of St. Joseph Patron.

193. At all times material hereto, with regard to the allegations contained herein, Reverend DeSimpliciis was under the direct supervision, employ and/or control of St. Joseph Patron.

194. At all times material hereto, with regard to the allegations contained herein, Father Ferraro was under the direct supervision, employ and/or control of the Diocese.

195. At all times material hereto, with regard to the allegations contained herein, Monsignor Testagrossa was under the direct supervision, employ and/or control of the Diocese.

196. At all times material hereto, with regard to the allegations contained herein, Reverend DeSimpliciis was under the direct supervision, employ and/or control of the Diocese.

197. At all times material hereto, St. Joseph Patron 's actions were willful, wanton, malicious, reckless, and outrageous in their disregard for the rights and safety of Plaintiff.

198. At all times material hereto, the Diocese's actions were willful, wanton, malicious, reckless, and outrageous in their disregard for the rights and safety of Plaintiff.

199. As a direct and/or indirect result of said conduct, Plaintiff has suffered the injuries and damages described herein.

200. By reason of the foregoing, Defendants jointly, severally and/or in the alternative, are liable to Plaintiff for compensatory damages, and for punitive damages, together with interest and costs.

**SECOND CAUSE OF ACTION: NEGLIGENT HIRING, RETENTION, SUPERVISION, AND/OR DIRECTION**

201. Plaintiff repeats and realleges by reference each and every allegation set forth in paragraphs 1 through 200 as if fully set forth herein.

202. St. Joseph Patron hired Father Ferraro.

203. St. Joseph Patron hired Monsignor Testagrossa.

204. St. Joseph Patron hired Reverend DeSimpliciis.

205. The Diocese hired Father Ferraro.

206. The Diocese hired Monsignor Testagrossa.

207. The Diocese hired Reverend DeSimpliciis.

208. St. Joseph Patron hired Father Ferraro for a position that required him to work closely with, mentor, and counsel young boys and girls.

209. St. Joseph Patron hired Monsignor Testagrossa for a position that required him to work closely with, mentor, and counsel young boys and girls.

210. St. Joseph Patron hired Reverend DeSimpliciis for a position that required him to work closely with, mentor, and counsel young boys and girls.

211. Diocese hired Father Ferraro for a position that required him to work closely with, mentor, and counsel young boys and girls.

212. Diocese hired Monsignor Testagrossa for a position that required him to work closely with, mentor, and counsel young boys and girls.

213. Diocese hired Reverend DeSimpliciis for a position that required him to work closely with, mentor, and counsel young boys and girls.

214. St. Joseph Patron was negligent in hiring Father Ferraro because it knew or should have known, through the exercise of reasonable care of Father Ferraro's propensity to develop inappropriate relationships with children in his charge and to engage in sexual behavior and lewd and lascivious conduct with such children.

215. St. Joseph Patron was negligent in hiring Monsignor Testagrossa because it knew or should have known, through the exercise of reasonable care of Monsignor Testagrossa's propensity to develop inappropriate relationships with children in his charge and to engage in sexual behavior and lewd and lascivious conduct with such children.

216. St. Joseph Patron was negligent in hiring Reverend DeSimpliciis because it knew or should have known, through the exercise of reasonable care of Reverend DeSimpliciis' propensity to develop inappropriate relationships with children in his charge and to engage in sexual behavior and lewd and lascivious conduct with such children.

217. The Diocese was negligent in hiring Father Ferraro because it knew or should have known, through the exercise of reasonable care of Father Ferraro's propensity to develop inappropriate relationships with children in his charge and to engage in sexual behavior and lewd and lascivious conduct with such children.

218. The Diocese was negligent in hiring Monsignor Testagrossa because it knew or should have known, through the exercise of reasonable care of Monsignor Testagrossa's propensity to develop inappropriate relationships with children in his charge and to engage in sexual behavior and lewd and lascivious conduct with such children.

219. The Diocese was negligent in hiring Reverend DeSimpliciis because it knew or should have known, through the exercise of reasonable care of Reverend DeSimpliciis' propensity to develop inappropriate relationships with children in his charge and to engage in sexual behavior and lewd and lascivious conduct with such children.

220. Father Ferraro would not and could not have been in a position to sexually abuse Plaintiff had he not been hired by St. Joseph Patron to mentor and counsel children in St. Joseph Patron.

221. Monsignor Testagrossa would not and could not have been in a position to sexually abuse Plaintiff had he not been hired by St. Joseph Patron to mentor and counsel children in St. Joseph Patron.

222. Reverend DeSimpliciis would not and could not have been in a position to sexually abuse Plaintiff had he not been hired by St. Joseph Patron to mentor and counsel children in St. Joseph Patron.

223. Father Ferraro continued to molest Plaintiff while at St. Joseph Patron.

224. Monsignor Testagrossa continued to molest Plaintiff while at St. Joseph Patron.

225. Reverend DeSimpliciis continued to molest Plaintiff while at St. Joseph Patron.

226. Father Ferraro would not and could not have been in a position to sexually abuse Plaintiff had he not been hired by Diocese to mentor and counsel children in St. Joseph Patron.

227. Monsignor Testagrossa would not and could not have been in a position to sexually abuse Plaintiff had he not been hired by Diocese to mentor and counsel children in St. Joseph Patron.

228. Reverend DeSimpliciis would not and could not have been in a position to sexually abuse Plaintiff had he not been hired by Diocese to mentor and counsel children in St. Joseph Patron.

229. Father Ferraro continued to molest plaintiff while at St. Joseph Patron.

230. Monsignor Testagrossa continued to molest plaintiff while at St. Joseph Patron.

231. Reverend DeSimpliciis continued to molest plaintiff while at St. Joseph Patron.

232. The harm complained of herein was foreseeable.

233. Plaintiff would have been not suffered the foreseeable harm complained of herein but for the negligence of St. Joseph Patron in having placed Father Ferraro, and/or allowed Father Ferraro to remain in his position.

234. Plaintiff would have been not suffered the foreseeable harm complained of herein but for the negligence of St. Joseph Patron in having placed Monsignor Testagrossa, and/or allowed Monsignor Testagrossa to remain in his position.

235. Plaintiff would have been not suffered the foreseeable harm complained of herein but for the negligence of St. Joseph Patron in having placed Reverend DeSimpliciis, and/or allowed Reverend DeSimpliciis to remain in his position.

236. Plaintiff would have been not suffered the foreseeable harm complained of herein but for the negligence of the Diocese in having placed Father Ferraro, and/or allowed Father Ferraro to remain in his position.

237. Plaintiff would have been not suffered the foreseeable harm complained of herein but for the negligence of the Diocese in having placed Monsignor Testagrossa, and/or allowed Monsignor Testagrossa to remain in his position.

238. Plaintiff would have been not suffered the foreseeable harm complained of herein but for the negligence of the Diocese in having placed Reverend DeSimpliciis, and/or allowed Reverend DeSimpliciis to remain in his position.

239. At all times while Father Ferraro was employed or appointed by St. Joseph Patron, he was supervised by St. Joseph Patron and/or their agents and employees.

240. At all times while Monsignor Testagrossa was employed or appointed by St. Joseph Patron, he was supervised by St. Joseph Patron and/or their agents and employees.

241. At all times while Reverend DeSimpliciis was employed or appointed by St. Joseph Patron, he was supervised by St. Joseph Patron and/or their agents and employees.

242. At all times while Father Ferraro was employed or appointed by St. Joseph Patron, he was under the direction of, and/or answerable to, St. Joseph Patron and/or their agents and employees.

243. At all times while Monsignor Testagrossa was employed or appointed by St. Joseph Patron, he was under the direction of, and/or answerable to, St. Joseph Patron and/or their agents and employees.

244. At all times while Reverend DeSimpliciis was employed or appointed by St. Joseph Patron, he was under the direction of, and/or answerable to, St. Joseph Patron and/or their agents and employees.

245. At all times while Father Ferraro was employed or appointed by the Diocese, he was supervised by the Diocese and/or their agents and employees.

246. At all times while Monsignor Testagrossa was employed or appointed by the Diocese, he was supervised by the Diocese and/or their agents and employees.

247. At all times while Reverend DeSimpliciis was employed or appointed by the Diocese, he was supervised by the Diocese and/or their agents and employees.

248. At all times while Father Ferraro was employed or appointed by the Diocese, he was under the direction of, and/or answerable to, the Diocese and/or their agents and employees.

249. At all times while Monsignor Testagrossa was employed or appointed by the Diocese, he was under the direction of, and/or answerable to, the Diocese and/or their agents and employees.

250. At all times while Reverend DeSimpliciis was employed or appointed by the Diocese, he was under the direction of, and/or answerable to, the Diocese and/or their agents and employees.

251. St. Joseph Patron was negligent in its direction and/or supervision of Father Ferraro in that it knew or should have known, through the exercise of ordinary care that Father Ferraro's conduct would subject third parties to an unreasonable risk of harm, including Father Ferraro's propensity to develop inappropriate relationships with children under his charge and to engage in sexual behavior and lewd and lascivious conduct with such children.

252. St. Joseph Patron was negligent in its direction and/or supervision of Monsignor Testagrossa in that it knew or should have known, through the exercise of ordinary care that Monsignor Testagrossa's conduct would subject third parties to an unreasonable risk of harm, including Monsignor Testagrossa's propensity to develop inappropriate relationships with children under his charge and to engage in sexual behavior and lewd and lascivious conduct with such children.

253. St. Joseph Patron was negligent in its direction and/or supervision of Reverend DeSimpliciis in that it knew or should have known, through the exercise of ordinary care that Reverend DeSimpliciis' conduct would subject third parties to an unreasonable risk of harm, including Reverend DeSimpliciis' propensity to develop inappropriate relationships with children under his charge and to engage in sexual behavior and lewd and lascivious conduct with such children.

254. St. Joseph Patron failed to take steps to prevent such conduct from occurring.

255. The Diocese was negligent in their direction and / or supervision of Father Ferraro in that it knew or should have known, through the exercise of ordinary care, that Father Ferraro's conduct would subject third parties to an unreasonable risk of harm, including Father Ferraro's propensity to develop inappropriate relationships with children under his charge and to engage in sexual behavior and lewd and lascivious conduct with such children.

256. The Diocese was negligent in their direction and / or supervision of Monsignor Testagrossa in that it knew or should have known, through the exercise of ordinary care, that Monsignor Testagrossa's conduct would subject third parties to an unreasonable risk of harm, including Monsignor Testagrossa's propensity to develop inappropriate relationships with children

under his charge and to engage in sexual behavior and lewd and lascivious conduct with such children.

257. The Diocese was negligent in their direction and / or supervision of Father Ferraro in that it knew or should have known, through the exercise of ordinary care, that Father Ferraro's conduct would subject third parties to an unreasonable risk of harm, including Father Ferraro's propensity to develop inappropriate relationships with children under his charge and to engage in sexual behavior and lewd and lascivious conduct with such children.

258. The Diocese was negligent in their direction and / or supervision of Monsignor Testagrossa in that it knew or should have known, through the exercise of ordinary care, that Monsignor Testagrossa's conduct would subject third parties to an unreasonable risk of harm, including Monsignor Testagrossa's propensity to develop inappropriate relationships with children under his charge and to engage in sexual behavior and lewd and lascivious conduct with such children.

259. The Diocese was negligent in their direction and / or supervision of Reverend DeSimpliciis in that it knew or should have known, through the exercise of ordinary care, that Reverend DeSimpliciis' conduct would subject third parties to an unreasonable risk of harm, including Reverend DeSimpliciis' propensity to develop inappropriate relationships with children under his charge and to engage in sexual behavior and lewd and lascivious conduct with such children.

260. The Diocese failed to take steps to prevent such conduct from occurring.

261. St. Joseph Patron was negligent in its retention of Father Ferraro in that that it knew, or should have known, of his propensity to develop inappropriate relationships with children under his charge and to engage in sexual behavior and lewd and lascivious conduct with such children.

262. St. Joseph Patron was negligent in its retention of Monsignor Testagrossa in that that it knew, or should have known, of his propensity to develop inappropriate relationships with children under his charge and to engage in sexual behavior and lewd and lascivious conduct with such children.

263. St. Joseph Patron was negligent in its retention of Reverend DeSimpliciis in that that it knew, or should have known, of his propensity to develop inappropriate relationships with children under his charge and to engage in sexual behavior and lewd and lascivious conduct with such children.

264. St. Joseph Patron retained Father Ferraro in his position as mentor and counselor to such children and thus left him in a position to continue such behavior.

265. St. Joseph Patron retained Monsignor Testagrossa in his position as mentor and counselor to such children and thus left him in a position to continue such behavior.

266. St. Joseph Patron retained Reverend DeSimpliciis in his position as mentor and counselor to such children and thus left him in a position to continue such behavior.

267. The Diocese was negligent in its retention of Father Ferraro in that that it knew, or should have known, of his propensity to develop inappropriate relationships with children under his charge and to engage in sexual behavior and lewd and lascivious conduct with such children.

268. The Diocese was negligent in its retention of Monsignor Testagrossa in that that it knew, or should have known, of his propensity to develop inappropriate relationships with children under his charge and to engage in sexual behavior and lewd and lascivious conduct with such children.

269. The Diocese was negligent in its retention of Reverend DeSimpliciis in that that it knew, or should have known, of his propensity to develop inappropriate relationships with children

under his charge and to engage in sexual behavior and lewd and lascivious conduct with such children.

270. The Diocese retained Father Ferraro in his position as mentor and counselor to such children and thus left him in a position to continue such behavior.

271. The Diocese retained Monsignor Testagrossa in his position as mentor and counselor to such children and thus left him in a position to continue such behavior.

272. The Diocese retained Reverend DeSimpliciis in his position as mentor and counselor to such children and thus left him in a position to continue such behavior.

273. St. Joseph Patron was further negligent in its retention, supervision, and/or direction of Father Ferraro in that Father Ferraro sexually molested Plaintiff on the premises of St. Joseph Patron.

274. St. Joseph Patron was further negligent in its retention, supervision, and/or direction of Monsignor Testagrossa in that Monsignor Testagrossa sexually molested Plaintiff on the premises of St. Joseph Patron.

275. St. Joseph Patron was further negligent in its retention, supervision, and/or direction of Reverend DeSimpliciis in that Reverend DeSimpliciis sexually molested Plaintiff on the premises of St. Joseph Patron.

276. St. Joseph Patron failed to take reasonable steps to prevent such events from occurring on their premises.

277. The Diocese was further negligent in its retention, supervision, and/or direction of Father Ferraro in that Father Ferraro sexually molested Plaintiff on the premises of the Diocese.

278. The Diocese was further negligent in its retention, supervision, and/or direction of Monsignor Testagrossa in that Monsignor Testagrossa sexually molested Plaintiff on the premises of the Diocese.

279. The Diocese was further negligent in its retention, supervision, and/or direction of Reverend DeSimpliciis in that Reverend DeSimpliciis sexually molested Plaintiff on the premises of the Diocese.

280. The Diocese failed to take reasonable steps to prevent such events from occurring on their premises.

281. Father Ferraro would not and could not have been in a position to sexually abuse Plaintiff had he not been negligently retained, supervised, and/or directed by St. Joseph Patron as a mentor and counselor to the infant parishioners of St. Joseph Patron, including Plaintiff.

282. Monsignor Testagrossa would not and could not have been in a position to sexually abuse Plaintiff had he not been negligently retained, supervised, and/or directed by St. Joseph Patron as a mentor and counselor to the infant parishioners of St. Joseph Patron, including Plaintiff.

283. Reverend DeSimpliciis would not and could not have been in a position to sexually abuse Plaintiff had he not been negligently retained, supervised, and/or directed by St. Joseph Patron as a mentor and counselor to the infant parishioners of St. Joseph Patron, including Plaintiff.

284. Father Ferraro would not and could not have been in a position to sexually abuse Plaintiff had he not been negligently retained, supervised, and/or directed by the Diocese as a mentor and counselor to the infant parishioners of the Diocese, including Plaintiff.

285. Monsignor Testagrossa would not and could not have been in a position to sexually abuse Plaintiff had he not been negligently retained, supervised, and/or directed by the Diocese as a mentor and counselor to the infant parishioners of the Diocese, including Plaintiff.

286. Reverend DeSimpliciis would not and could not have been in a position to sexually abuse Plaintiff had he not been negligently retained, supervised, and/or directed by the Diocese as a mentor and counselor to the infant parishioners of the Diocese, including Plaintiff.

287. By reason of the foregoing, Defendants, jointly, severally and/or in the alternative, are liable to Plaintiff for compensatory damages, and for punitive damages, together with interest and costs

**THIRD CAUSE OF ACTION: BREACH OF FIDUCIARY DUTY**

288. Plaintiff repeats and realleges each and every allegation set forth in paragraphs 1 through 287 as if fully set forth herein.

289. Through the position to which Father Ferraro was assigned by St. Joseph Patron, Father Ferraro was placed in direct contact with Plaintiff.

290. Through the position to which Monsignor Testagrossa was assigned by St. Joseph Patron, Monsignor Testagrossa was placed in direct contact with Plaintiff.

291. Through the position to which Reverend DeSimpliciis was assigned by St. Joseph Patron, Reverend DeSimpliciis was placed in direct contact with Plaintiff.

292. Father Ferraro was assigned as a priest at St. Joseph Patron, including as a teacher assigned to teach Plaintiff.

293. Monsignor Testagrossa was assigned as a priest at St. Joseph Patron, including as a teacher assigned to teach Plaintiff.

294. Reverend DeSimpliciis was assigned as a priest at St. Joseph Patron, including as a teacher assigned to teach Plaintiff.

295. It was under these circumstances that Plaintiff was entrusted to the care of St. Joseph Patron and—under their authority—came to be under the direction, control and dominance of Father Ferraro.

296. It was under these circumstances that Plaintiff was entrusted to the care of St. Joseph Patron and—under their authority—came to be under the direction, control and dominance of Monsignor Testagrossa.

297. It was under these circumstances that Plaintiff was entrusted to the care of St. Joseph Patron and—under their authority—came to be under the direction, control and dominance of Reverend DeSimpliciis.

298. As a result, Father Ferraro used his position to sexually abuse and harass Plaintiff.

299. As a result, Monsignor Testagrossa used his position to sexually abuse and harass Plaintiff.

300. As a result, Reverend DeSimpliciis used his position to sexually abuse and harass Plaintiff.

301. Through the position to which Father Ferraro was assigned by the Diocese, Father Ferraro was put in direct contact with Plaintiff, then a minor.

302. Through the position to which Monsignor Testagrossa was assigned by the Diocese, Monsignor Testagrossa was put in direct contact with Plaintiff, then a minor.

303. Through the position to which Reverend DeSimpliciis was assigned by the Diocese, Reverend DeSimpliciis was put in direct contact with Plaintiff, then a minor.

304. Through the position to which Father Ferraro was assigned by the Diocese, Father Ferraro was put in direct contact with Plaintiff, then a minor.

305. Through the position to which Monsignor Testagrossa was assigned by the Diocese, Monsignor Testagrossa was put in direct contact with Plaintiff, then a minor.

306. Through the position to which Reverend DeSimpliciis was assigned by the Diocese, Reverend DeSimpliciis was put in direct contact with Plaintiff, then a minor.

307. As a result, Father Ferraro used his position to sexually abuse and harass Plaintiff.

308. As a result, Monsignor Testagrossa used his position to sexually abuse and harass Plaintiff.

309. As a result, Reverend DeSimpliciis used his position to sexually abuse and harass Plaintiff.

310. There existed a fiduciary relationship of trust, confidence, and reliance between Plaintiff and St. Joseph Patron.

311. There existed a fiduciary relationship of trust, confidence, and reliance between Plaintiff and the Diocese

312. Pursuant to its fiduciary relationship, St. Joseph Patron was entrusted with the well-being, care, and safety of Plaintiff.

313. Pursuant to its fiduciary relationship, the Diocese was entrusted with the well-being, care, and safety of Plaintiff.

314. Pursuant to its fiduciary relationship, St. Joseph Patron assumed a duty to act in the best interests of Plaintiff.

315. Pursuant to its fiduciary relationship, the Diocese assumed a duty to act in the best interests of Plaintiff.

316. St. Joseph Patron breached its fiduciary duties to Plaintiff.

317. The Diocese breached its fiduciary duties to Plaintiff.

318. At all times material hereto, St. Joseph Patron 's actions and/or inactions were willful, wanton, malicious, reckless, and/or outrageous in its disregard for the rights and safety of Plaintiff.

319. At all times material hereto, the Diocese's actions and/or inactions were willful, wanton, malicious, reckless, and/or outrageous in its disregard for the rights and safety of Plaintiff.

320. As a direct result of said conduct, Plaintiff has suffered the injuries and damages described herein.

321. By reason of the foregoing, Defendants, jointly, severally and/or in the alternative, are liable to Plaintiff for compensatory and punitive damages, together with interest and costs.

**FOURTH CAUSE OF ACTION: BREACH OF NON-DELEGABLE DUTY**

322. Plaintiff repeats and realleges each and every allegation set forth in paragraphs 1 through 321 as if fully set forth herein.

323. Plaintiff, when he was a minor, was placed in the care of St. Joseph Patron for the purposes of, *inter alia*, providing Plaintiff with a safe environment to receive an education.

324. As a result, there existed a non-delegable duty of trust between Plaintiff and St. Joseph Patron.

325. When Plaintiff was a minor, Plaintiff was placed in the care of the Diocese for the purposes of, *inter alia*, providing Plaintiff with a safe environment to receive an education.

326. As a result, there existed a non-delegable duty of trust between Plaintiff and the Diocese.

327. Plaintiff was a vulnerable child when placed within the care of St. Joseph Patron.

328. Plaintiff was a vulnerable child when placed within the care of the Diocese.

329. Consequently, St. Joseph Patron was in the best position to prevent Plaintiff's abuse, and to learn of Father Ferraro's repeated sexual abuse of Plaintiff and stop it.

330. Consequently, St. Joseph Patron was in the best position to prevent Plaintiff's abuse, and to learn of Monsignor Testagrossa's repeated sexual abuse of Plaintiff and stop it.

331. Consequently, St. Joseph Patron was in the best position to prevent Plaintiff's abuse, and to learn of Reverend DeSimpliciis' repeated sexual abuse of Plaintiff and stop it.

332. Consequently, the Diocese was in the best position to prevent Plaintiff's abuse, and to learn of Father Ferraro's repeated sexual abuse of Plaintiff and stop it.

333. Consequently, the Diocese was in the best position to prevent Plaintiff's abuse, and to learn of Monsignor Testagrossa's repeated sexual abuse of Plaintiff and stop it.

334. Consequently, the Diocese was in the best position to prevent Plaintiff's abuse, and to learn of Reverend DeSimpliciis' repeated sexual abuse of Plaintiff and stop it.

335. By virtue of the fact that Plaintiff was sexually abused as a minor student entrusted to the care of St. Joseph Patron, St. Joseph Patron breached its non-delegable duty to Plaintiff.

336. By virtue of the fact that Plaintiff was sexually abused as a minor student entrusted to the care of the Diocese, the Diocese breached its non-delegable duty to Plaintiff.

337. At all times material hereto, Father Ferraro was under the direct supervision, employ and/or control of St. Joseph Patron.

338. At all times material hereto, Monsignor Testagrossa was under the direct supervision, employ and/or control of St. Joseph Patron.

339. At all times material hereto, Reverend DeSimpliciis was under the direct supervision, employ and/or control of St. Joseph Patron.

340. At all times material hereto, Father Ferraro was under the direct supervision, employ and/or control of the Diocese.

341. At all times material hereto, Monsignor Testagrossa was under the direct supervision, employ and/or control of the Diocese.

342. At all times material hereto, Reverend DeSimpliciis was under the direct supervision, employ and/or control of the Diocese.

343. As a direct result of said conduct, Plaintiff has suffered the injuries and damages described herein.

344. By reason of the foregoing, Defendants, jointly, severally and/or in the alternative, are liable to Plaintiff for compensatory and punitive damages, together with interest and costs.

**FIFTH CAUSE OF ACTION: BREACH OF DUTY *IN LOCO PARENTIS***

345. Plaintiff repeats and realleges each and every allegation set forth in paragraphs 1 through 344 as if fully set forth herein.

346. Plaintiff was a minor when his parents entrusted him to the control of St. Joseph Patron for the purpose of, *inter alia*, providing Plaintiff with an education.

347. St. Joseph Patron owed a duty to adequately supervise its students to prevent foreseeable injuries.

348. As a result, St. Joseph Patron owed a duty to Plaintiff *in loco parentis*.

349. Plaintiff was a minor when her parents entrusted him to the control of the Diocese for the purposes of, *inter alia*, providing Plaintiff with an education.

350. The Diocese owed a duty to adequately supervise its students to prevent foreseeable injuries.

351. As a result, the Diocese owed a duty to Plaintiff *in loco parentis*.

352. St. Joseph Patron breached their duty *in loco parentis*.

353. The Diocese breached their duty *in loco parentis*.

354. At all times material hereto, St. Joseph Patron 's actions were willful, wanton, malicious, reckless, negligent, grossly negligent and/or outrageous in its disregard for the rights and safety of Plaintiff.

355. At all times material hereto, the Diocese's actions were willful, wanton, malicious, reckless, negligent, grossly negligent and/or outrageous in its disregard for the rights and safety of Plaintiff.

356. As a direct result of St. Joseph Patron 's conduct, Plaintiff has suffered the injuries and damages described herein.

357. As a direct result of the Diocese's conduct, Plaintiff has suffered the injuries and damages described herein.

358. By reason of the foregoing, Defendants, jointly, severally and/or in the alternative, are liable to Plaintiff for compensatory and punitive damages, together with interest and costs.

**SIXTH CAUSE OF ACTION: INTENTIONAL INFLECTION OF  
EMOTIONAL DISTRESS**

359. Plaintiff repeats and realleges each and every allegation set forth in paragraphs 1 through 358 as if fully set forth herein.

360. At the time Father Ferraro molested Plaintiff, which Father Ferraro knew would cause, or disregarded the substantial probability that it would cause, severe emotional distress, St. Joseph Patron employed Father Ferraro as Plaintiff's mentor and counselor.

361. At the time Monsignor Testagrossa molested Plaintiff, which Monsignor Testagrossa knew would cause, or disregarded the substantial probability that it would cause,

severe emotional distress, St. Joseph Patron employed Monsignor Testagrossa as Plaintiff's mentor and counselor.

362. At the time Reverend DeSimpliciis molested Plaintiff, which Reverend DeSimpliciis knew would cause, or disregarded the substantial probability that it would cause, severe emotional distress, St. Joseph Patron employed Reverend DeSimpliciis as Plaintiff's mentor and counselor.

363. It was part of Father Ferraro's job as role model and mentor to gain Plaintiff's trust. Father Ferraro used his position, and the representations made by St. Joseph Patron about his character that accompanied that position, to gain Plaintiff's trust and confidence and to create opportunities to violate Plaintiff.

364. It was part of Monsignor Testagrossa's job as role model and mentor to gain Plaintiff's trust. Monsignor Testagrossa used his position, and the representations made by St. Joseph Patron about his character that accompanied that position, to gain Plaintiff's trust and confidence and to create opportunities to violate Plaintiff.

365. It was part of Reverend DeSimpliciis' job as role model and mentor to gain Plaintiff's trust. Reverend DeSimpliciis used his position, and the representations made by St. Joseph Patron about his character that accompanied that position, to gain Plaintiff's trust and confidence and to create opportunities to violate Plaintiff.

366. At the time Father Ferraro molested Plaintiff, which Father Ferraro knew would cause, or disregarded the substantial probability that it would cause, severe emotional distress, the Diocese employed Father Ferraro as Plaintiff's mentor and counselor.

367. At the time Monsignor Testagrossa molested Plaintiff, which Monsignor Testagrossa knew would cause, or disregarded the substantial probability that it would cause,

severe emotional distress, the Diocese employed Monsignor Testagrossa as Plaintiff's mentor and counselor.

368. At the time Reverend DeSimpliciis molested Plaintiff, which Reverend DeSimpliciis knew would cause, or disregarded the substantial probability that it would cause, severe emotional distress, the Diocese employed Reverend DeSimpliciis as Plaintiff's mentor and counselor.

369. It was part of Father Ferraro's job as role model and mentor to gain Plaintiff's trust. Father Ferraro used his position, and the representations made by the Diocese about his character that accompanied that position, to gain Plaintiff's trust and confidence and to create opportunities to violate Plaintiff.

370. It was part of Monsignor Testagrossa's job as role model and mentor to gain Plaintiff's trust. Monsignor Testagrossa used his position, and the representations made by the Diocese about his character that accompanied that position, to gain Plaintiff's trust and confidence and to create opportunities to violate Plaintiff.

371. It was part of Reverend DeSimpliciis' job as role model and mentor to gain Plaintiff's trust. Reverend DeSimpliciis used his position, and the representations made by the Diocese about his character that accompanied that position, to gain Plaintiff's trust and confidence and to create opportunities to violate Plaintiff.

372. St. Joseph Patron knew and/or disregarded the substantial probability that Father Ferraro's conduct would cause severe emotional distress to Plaintiff.

373. St. Joseph Patron knew and/or disregarded the substantial probability that Monsignor Testagrossa's conduct would cause severe emotional distress to Plaintiff.

374. St. Joseph Patron knew and/or disregarded the substantial probability that Reverend DeSimpliciis' conduct would cause severe emotional distress to Plaintiff.

375. The Diocese knew and/or disregarded the substantial probability that Father Ferraro's conduct would cause severe emotional distress to Plaintiff.

376. The Diocese knew and/or disregarded the substantial probability that Monsignor Testagrossa's conduct would cause severe emotional distress to Plaintiff.

377. The Diocese knew and/or disregarded the substantial probability that Reverend DeSimpliciis' conduct would cause severe emotional distress to Plaintiff.

378. Plaintiff suffered severe emotional distress, including psychological and emotional injury as described above.

379. This distress was caused by Father Ferraro's sexual abuse of Plaintiff.

380. This distress was caused by Monsignor Testagrossa's sexual abuse of Plaintiff.

381. This distress was caused by Reverend DeSimpliciis' sexual abuse of Plaintiff.

382. The sexual abuse of Plaintiff was extreme and outrageous conduct, beyond all possible bounds of decency, atrocious and intolerable in a civilized community.

383. St. Joseph Patron is liable for Father Ferraro's conduct under the doctrine of *respondeat superior*.

384. St. Joseph Patron is liable for Monsignor Testagrossa's conduct under the doctrine of *respondeat superior*.

385. St. Joseph Patron is liable for Reverend DeSimpliciis' conduct under the doctrine of *respondeat superior*.

386. The Diocese is liable for Father Ferraro's conduct under the doctrine of *respondeat superior*.

387. The Diocese is liable for Monsignor Testagrossa's conduct under the doctrine of *respondeat superior*.

388. The Diocese is liable for Reverend DeSimpliciis' conduct under the doctrine of *respondeat superior*.

389. By reason of the foregoing, Defendants, jointly, severally and/or in the alternative, are liable to Plaintiff for compensatory and punitive damages, together with interest and costs.

**SEVENTH CAUSE OF ACTION: NEGLIGENT INFLICTION OF  
EMOTIONAL DISTRESS**

390. Plaintiff repeats and realleges each and every allegation set forth in paragraphs 1 through 389 as if fully set forth herein.

391. As set forth at length herein, the actions of St. Joseph Patron, its predecessors and/or successors, agents, servants and/or employees, were conducted in a negligent and/or grossly negligent manner.

392. As set forth at length herein, the actions of the Diocese, its predecessors and/or successors, agents, servants and/or employees were conducted in a negligent and/or grossly negligent manner.

393. St. Joseph Patron's actions endangered Plaintiff's safety and caused him to fear for his own safety.

394. The Diocese's actions endangered Plaintiff's safety and caused him to fear for his own safety.

395. As a direct and proximate result of St. Joseph Patron's actions, which included but were not limited to, negligent and/or grossly negligent conduct, Plaintiff suffered the severe injuries and damages described herein, including but not limited to, mental and emotional distress.

396. As a direct and proximate result of the Diocese's actions, which included but were not limited to, negligent and/or grossly negligent conduct, Plaintiff suffered the severe injuries and damages described herein, including but not limited to, mental and emotional distress.

397. In addition to its own direct liability for negligently inflicting emotional distress on Plaintiff, St. Joseph Patron is also liable for Father Ferraro's negligent infliction of emotional distress under the doctrine of *respondeat superior*.

398. In addition to its own direct liability for negligently inflicting emotional distress on Plaintiff, St. Joseph Patron is also liable for Monsignor Testagrossa's negligent infliction of emotional distress under the doctrine of *respondeat superior*.

399. In addition to its own direct liability for negligently inflicting emotional distress on Plaintiff, St. Joseph Patron is also liable for Reverend DeSimpliciis' negligent infliction of emotional distress under the doctrine of *respondeat superior*.

400. At the time Father Ferraro breached his duty to Plaintiff, Father Ferraro was employed as Plaintiff's mentor and counselor by St. Joseph Patron.

401. At the time Monsignor Testagrossa breached his duty to Plaintiff, Monsignor Testagrossa was employed as Plaintiff's mentor and counselor by St. Joseph Patron.

402. At the time Reverend DeSimpliciis breached his duty to Plaintiff, Reverend DeSimpliciis was employed as Plaintiff's mentor and counselor by St. Joseph Patron.

403. It was part of Father Ferraro's job as role model and mentor to gain Plaintiff's trust. Father Ferraro used his position, and the representations made by St. Joseph Patron about his character that accompanied that position, to gain Plaintiff's trust and confidence and to create opportunities to be alone with, and touch, Plaintiff.

404. It was part of Monsignor Testagrossa's job as role model and mentor to gain Plaintiff's trust. Monsignor Testagrossa used his position, and the representations made by St. Joseph Patron about his character that accompanied that position, to gain Plaintiff's trust and confidence and to create opportunities to be alone with, and touch, Plaintiff.

405. It was part of Reverend DeSimpliciis' job as role model and mentor to gain Plaintiff's trust. Reverend DeSimpliciis used his position, and the representations made by St. Joseph Patron about his character that accompanied that position, to gain Plaintiff's trust and confidence and to create opportunities to be alone with, and touch, Plaintiff.

406. In addition to its own direct liability for negligently inflicting emotional distress on Plaintiff, the Diocese is also liable for Father Ferraro's negligent infliction of emotional distress under the doctrine of *respondeat superior*.

407. In addition to its own direct liability for negligently inflicting emotional distress on Plaintiff, the Diocese is also liable for Monsignor Testagrossa's negligent infliction of emotional distress under the doctrine of *respondeat superior*.

408. In addition to its own direct liability for negligently inflicting emotional distress on Plaintiff, the Diocese is also liable for Reverend DeSimpliciis' negligent infliction of emotional distress under the doctrine of *respondeat superior*.

409. At the time Father Ferraro breached his duty to Plaintiff, Father Ferraro was employed as Plaintiff's mentor and counselor by the Diocese.

410. At the time Monsignor Testagrossa breached his duty to Plaintiff, Monsignor Testagrossa was employed as Plaintiff's mentor and counselor by the Diocese.

411. At the time Reverend DeSimpliciis breached his duty to Plaintiff, Reverend DeSimpliciis was employed as Plaintiff's mentor and counselor by the Diocese.

412. It was part of Father Ferraro's job as role model and mentor to gain Plaintiff's trust. Father Ferraro used his position, and the representations made by the Diocese about his character that accompanied that position, to gain Plaintiff's trust and confidence and to create opportunities to be alone with, and touch, Plaintiff.

413. It was part of Monsignor Testagrossa's job as role model and mentor to gain Plaintiff's trust. Monsignor Testagrossa used his position, and the representations made by the Diocese about his character that accompanied that position, to gain Plaintiff's trust and confidence and to create opportunities to be alone with, and touch, Plaintiff.

414. It was part of Reverend DeSimpliciis' job as role model and mentor to gain Plaintiff's trust. Reverend DeSimpliciis used his position, and the representations made by the Diocese about his character that accompanied that position, to gain Plaintiff's trust and confidence and to create opportunities to be alone with, and touch, Plaintiff.

415. By reason of the foregoing, Defendants, jointly, severally and/or in the alternative, are liable to Plaintiff for compensatory damages, and for punitive damages, together with interest and costs.

**EIGHTH CAUSE OF ACTION: BREACH OF STATUTORY DUTY TO REPORT  
ABUSE UNDER SOC. SERV. LAW §§ 413, 420**

416. Plaintiff repeats and realleges each and every allegation set forth in paragraphs 1 through 415 as if fully set forth herein.

417. Pursuant to N.Y. Soc. Serv. Law §§ 413 and 420, St. Joseph Patron had a statutorily imposed duty to report reasonable suspicion of abuse of children in their care.

418. Pursuant to N.Y. Soc. Serv. Law §§ 413 and 420, the Diocese had a statutorily imposed duty to report reasonable suspicion of abuse of children in their care.

419. St. Joseph Patron breached that duty by knowingly and willfully failing to report reasonable suspicion of abuse by Father Ferraro of children in its care.

420. St. Joseph Patron breached that duty by knowingly and willfully failing to report reasonable suspicion of abuse by Monsignor Testagrossa of children in its care.

421. St. Joseph Patron breached that duty by knowingly and willfully failing to report reasonable suspicion of abuse by Reverend DeSimpliciis of children in its care.

422. The Diocese breached that duty by knowingly and willfully failing to report reasonable suspicion of abuse by Father Ferraro of children in its care.

423. The Diocese breached that duty by knowingly and willfully failing to report reasonable suspicion of abuse by Monsignor Testagrossa of children in its care.

424. The Diocese breached that duty by knowingly and willfully failing to report reasonable suspicion of abuse by Reverend DeSimpliciis of children in its care.

425. As a direct and/or indirect result of said conduct, Plaintiff has suffered injuries and damages described herein.

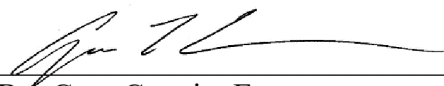
426. By reason of the foregoing, Defendants, jointly, severally and/or in the alternative, are liable to plaintiff for compensatory damages, and for punitive damages, together with interest and costs.

Dated: New York, New York  
August 14, 2019



By: Adam P. Slater, Esq.  
SLATER SLATER SCHULMAN LLP  
*Counsel for Plaintiff*  
488 Madison Avenue, 20<sup>th</sup> Floor  
New York, New York 10022  
(631) 420-9300

-and-



By: Gary Certain, Esq.  
CERTAIN & ZILBERG, PLLC  
*Counsel for Plaintiff*  
488 Madison Avenue, 20<sup>th</sup> Floor  
New York, NY 10022  
(212) 687-7800

**ATTORNEY VERIFICATION**

Adam P. Slater, an attorney duly admitted to practice law in the Courts of the State of New York, hereby affirms the following statements to be true under the penalties of perjury, pursuant to Rule 2106 of the CPLR:


Your affirmant is a partner of Slater Slater Schulman LLP, attorneys for the Plaintiff in the within action;

That he has read the foregoing Complaint and knows the contents thereof; that the same is true to his own knowledge, except as to the matters therein stated to be alleged upon information and belief, and that as to those matters he believes it to be true.

Affirmant further states that the source of his information and the grounds for his belief are derived from interviews with the Plaintiff and from the file maintained in the normal course of business.

Affirmant further states that the reason this verification is not made by the Plaintiff is that the Plaintiff is not presently within the County of New York, which is the county wherein the attorneys for the Plaintiff herein maintain their offices.

Dated: Melville, New York  
August 14, 2019

  
Adam P. Slater, Esq.

# X

**Index No.:**

**Plaintiff,**

**-against-**

**Defendant(s).**

X

## SUMMONS & VERIFIED COMPLAINT

**Slater Slater Schulman LLP**  
*Attorneys For Plaintiff*  
**488 Madison Avenue, 20<sup>th</sup> Floor**  
**New York, New York 10022**


**(212)922-0906**


**Certain & Zilberg, PLLC**  
*Attorneys For Plaintiff*  
**488 Madison Avenue, 20<sup>th</sup> Floor**  
**New York, New York 10022**

**(212)687-7800**

## CERTIFICATION

Pursuant to 22 NYCRR §130-1.1-a, the undersigned, an attorney duly admitted to practice in the courts of the State of New York, certifies that, upon information and belief, and reasonable inquiry, the contentions contained in the annexed document are not frivolous as defined in subsection (c) of the aforesaid section.

  
Adam P. Slater, Esq.

  
\_\_\_\_\_  
Gary Certain, Esq.